

#9 1/2

PATENT

Docket No. D7791-00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William Francis McNally and Joel M. Furey

Serial No.: 09/754,815

Examiner: D. Worrell

Filed: January 4, 2001

Art Unit: 3765

Title: METHOD FOR ENHANCING INSULATION MATERIALS

CERTIFICATE UNDER 37 CFR 1.8(a)
I HEREBY CERTIFY THAT THIS
CORRESPONDENCE IS BEING SENT VIA
FACSIMILE TO THE ASSISTANT
COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231.

BY Richard A. PaikoffREG. NO. 34,892DATE 9/4/02TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

- ☒ Petition to Withdraw Holding of Abandonment
- ☒ Please charge any additional fees to Deposit Account No. 04-1679. This transmittal is submitted in duplicate.
- ☒ Copy of Notice of Abandonment; Copy of Amendment and Response filed July 29, 2002 with three-month extension of time; Copy of return postcard.

Respectfully submitted,

Dated: 9/4/02Richard A. Paikoff

Richard A. Paikoff

Registration No. 34,892

DUANE MORRIS LLP

One Liberty Place

Philadelphia, Pennsylvania 19103-7396

(215) 979-1853

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SEP 04 2002

GROUP 3700

PATENT

Docket No. D7791-00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **William Francis McNally and Joel M. Furey**Serial No.: **09/754,815**Examiner: **D. Worrell**Filed: **January 4, 2001**Art Unit: **3765**Title: **METHOD FOR ENHANCING INSULATION MATERIALS**

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WASHINGTON, D.C. 20231.

BY Richard A. ParkoffREG. NO. 34,892DATE 9/4/02

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER THE
PROVISIONS OF 37 C.F.R. § 1.181(a)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

A Notice of Abandonment concerning the above-identified application was mailed August 26, 2002, a copy of which is attached hereto. Applicants respectfully petition the Commissioner of Patents and Trademarks to withdraw the holding of abandonment in the above-identified application under the provisions of 37 C.F.R. § 1.181(a).

The Notice erroneously states that the application is abandoned for applicants' failure to timely file a response to the Official Action dated January 29, 2002. A Response was timely filed with a three-month extension but apparently was not associated with the file due to an error of the Patent Office. Evidence showing that Response was timely filed is submitted herewith and includes: (i) a copy of the timely filed Response which contains a Certificate of Mailing showing that the Response was deposited in the mail on July 29, 2002; and (ii) a copy of the return postcard receipt bearing the Patent and Trademark Office stamp dated August 5, 2002.

PATENT

Docket No. D7791-00002

No fee is believed to be required.

Respectfully submitted,

Dated: 9/4/02

Richard A. Paikoff

Richard A. Paikoff

Registration No. 34,892

DUANE MORRIS LLP

One Liberty Place

Philadelphia, Pennsylvania 19103-7396

(215) 979-1853

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20531
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,815	01/04/2001	William Francis McNally	D7791-00002	3474

7590 08/26/2002
Richard A. Paikoff
Duane, Morris & Heckscher LLP
One Liberty Place
Philadelphia, PA 19103-7396

SEP 03 2002

EXAMINER

WORRELL JR, LARRY D

ART UNIT PAPER NUMBER

3765

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

Notice of Abandonment

Application No.

09/754,815

Examiner

Danny Worrell

Applicant(s)

MCNALLY ET AL.


Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 1/29/02.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


 Danny Worrell
 Primary Examiner
 Art Unit: 3765

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
 PTO-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 7

UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: D7791-00002
In re: Application of William Francis McNally and Joel M. Furey
Serial No.: 09/754,815
Filed: January 4, 2001
For: METHOD FOR ENHANCING INSULATION MATERIALS

The Patent Office acknowledges and has stamped hereon the date of receipt of the following items:
Transmittal (in dupl.); Amendment and Response to OA of January 29, 2002; Petition for Extension of Time; Check for \$460 for three-month extension fee; Return Postcard

paikoff/mfm

July 29, 2002

DOCKETED

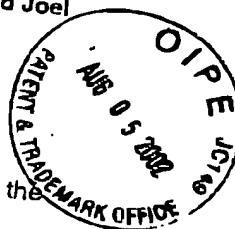
UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: D7791-00002
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paikoff/mfm

July 29, 2002



476211

REF. NO.	INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
115623	07791-00002	7/22/2002	460.00	460.00	0.00	460.00

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OF ASSISTANT COMMISSIONER FOR
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Charles J. Morris
Two signatures required for checks \$10,000 and over

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William Francis McNally and Joel M. Furey

Serial No.: 09/754,815

Examiner: Larry D. Worrell, Jr.

Filing Date: January 4, 2001

Group Art Unit: 3474

For: METHOD FOR ENHANCING INSULATION MATERIALS

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE UNDER 37 CFR 1.8(a)
I HEREBY CERTIFY THAT THIS
CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE
AS FIRST-CLASS MAIL IN AN ENVELOPE
ADDRESSED TO ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, D.C. 20231.

BY Richard A. PaikoffREG. NO. 34,892DATE 7/29/02TRANSMITTAL LETTER

Sir:

Please find enclosed for filing:

- X Amendment and Response
- X Petition for Extension of Time
- X Check in the amount of \$460.00 for three-month extension.
- X Please charge any additional fees to Deposit Account No. 04-1679. This transmittal letter is submitted in duplicate.
- X Return postcard.

Respectfully submitted,

Date: 7/29/02

Richard A. Paikoff
Richard A. Paikoff
Registration No. 34,892
Duane Morris LLP
One Liberty Place
Philadelphia, PA 19103-7396
(215) 979-1853

Docket No.: D7791-00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William Francis McNally and Joel M. Furey

Serial No.: 09/754,815

Examiner: Larry D. Worrell, Jr.

Filing Date: January 4, 2001

Group Art Unit: 3474

For: METHOD FOR ENHANCING INSULATION MATERIALS

Assistant Commissioner for Patents
Washington, D.C. 20231

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FOR PATENTS, WASHINGTON, D.C. 20231.

BY Richard A. Paikoff
REG. NO. 34,892
DATE 7/29/02

PETITION FOR EXTENSION OF TIME

Sir:

Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for submission of a response to the Office Action, mailed January 29, 2002. Accordingly, a three-month extension of time to file the Response is requested extending the time for response to July 29, 2002.

Applicant submits herewith the fee required in connection with the requested extension, namely \$460.00.

Respectfully submitted,

Date: 7/29/02

Richard A. Paikoff
Richard A. Paikoff
Registration No. 34,892
Duane Morris LLP
One Liberty Place
Philadelphia, PA 19103-7396
(215) 979-1853

Docket No.: D7791-00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William Francis McNally and Joel M. Furey

Serial No.: 09/754,815

Examiner: Larry D. Worrell, Jr.

Filing Date: January 4, 2001

Group Art Unit: 3474

For: METHOD FOR ENHANCING INSULATION MATERIALS

AMENDMENT AND RESPONSE

Sir:

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I HEREBY CERTIFY THAT THIS
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FOR PATENTS, WASHINGTON, D.C. 20231.

BY Richard A. ParkoffREG. NO. 34,892DATE 7/29/02

Responsive to the Office Action dated January 29, 2002, please amend this application as follows:

IN THE CLAIMS:

Please enter the following claims. A marked-up version of the claims showing changes made appears after the remarks.

1 (amended). A method for enhancing insulation materials without increasing the weight, thickness or density of said materials, which comprises adding to a fabric that is attached to said materials an amount, effective for the purpose of enhancing said insulation, of a metal-coated material, thereby replacing a corresponding amount of said insulation materials with said metal-coated material, wherein said insulation materials are selected from the group consisting of fiberglass, fiberfill, ceramic and cellulosic materials.

Please delete claims 2 and 3, without prejudice.

4 (amended). The method as recited in claim 1 wherein said metal-coated material is included as a single layer.

5 (amended). The method as recited in claim 4 wherein said metal-coated material is applied on the surface of or amidst said insulation materials.

12 (amended). The method as recited in claim 1 wherein said metal-coated material reflects electromagnetic radiation.

13 (amended). The method as recited in claim 1 wherein said metal-coated material reduces electrostatic charges.

14 (amended). The method as recited in claim 1 wherein said metal-coated material has antimicrobial properties.

Please add the following claim:

15. The method as recited in claim 1 wherein said metal-coated material is included as multiple layers.

REMARKS

Reconsideration and reversal of the rejections expressed in the Office Action of January 29, 2002, is respectfully requested in view of the following remarks and the application as amended. The present invention relates to a method for enhancing insulation materials without increasing the weight, thickness or density of the materials, which includes adding to the materials an amount, effective for the purpose of enhancing the insulation, of a metal-coated staple fiber, filament fiber or fabric.

Claims 1-14 were rejected under 35 U.S.C. §112, first paragraph. The claims have been clarified to overcome this rejection. As stated in the specification, in the construction of the present invention, metal-coated fibers are knit, woven or non-woven into a fabric with other yarns (e.g., polyester, polypropylene, nylon, cotton, acrylics, etc.), with the resulting fabric being included as a single layer or multiple layers on the surface of and/or in the middle of traditional non-woven or extruded insulation materials.

Claims 1-14 were also rejected under 35 U.S.C. §112, second paragraph. The claims have been amended to overcome this rejection as well.

Claims 1, 4-6 and 9-14 were rejected under 35 U.S.C. §102(b) as being anticipated by Clough et al., U.S. Patent No. 3,646,749. Applicants respectfully contend that the Clough reference relates to fibrous articles coated with metal to provide heat and light reflectance for decorative and functional purposes; the finished fabric/article is coated with metal. In contrast, the method of the present invention includes the coating of individual fibers, which are then incorporated into the particular article. There is no teaching or suggestion in the Clough reference of a method for enhancing insulation materials without increasing weight, thickness or density of the materials by, e.g., replacing a corresponding amount of insulation materials with the metal-coated material. However, in order to enhance the prosecution of the present application, the claims have been clarified to overcome this rejection.

Claims 2, 3, 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Clough et al. As noted above, there is no teaching, suggestion or motivation in the Clough reference to replace an amount of insulation material with a corresponding amount of metal-coated material, in order to enhance the insulation materials.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of January 29, 2002 are respectfully submitted. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

Respectfully submitted,

Date: 7/29/02

Richard A. Paikoff
Richard A. Paikoff
Registration No. 34,892
Duane Morris LLP
One Liberty Place
Philadelphia, PA 19103-7396
(215) 979-1853

Docket No.: D7791-00002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1 (amended). A method for enhancing insulation materials without increasing the weight, thickness or density of said materials, which comprises adding to a fabric that is attached to said materials an amount, effective for the purpose of enhancing said insulation, of a metal-coated material, thereby replacing a corresponding amount of said insulation materials with said metal-coated material, wherein said insulation materials are selected from the group consisting of fiberglass, fiberfill, ceramic and cellulosic materials.

Please delete claims 2 and 3, without prejudice.

4 (amended). The method as recited in claim 1 wherein said metal-coated material is included as a single layer [or multiple layers].

5 (amended). The method as recited in claim 4 wherein said metal-coated material is applied on the surface of or amidst [in the middle of] said insulation materials.

12 (amended). The method as recited in claim 1 [11] wherein said metal-coated material reflects electromagnetic radiation.

13 (amended). The method as recited in claim 1 [11] wherein said metal-coated material reduces electrostatic charges.

14 (amended). The method as recited in claim 1 [11] wherein said metal-coated material has antimicrobial properties.

Please add the following claim:

15. The method as recited in claim 1 wherein said metal-coated material is included as multiple layers.